

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JOHN FELIX GREER

v.

CIVIL ACTION NO. 1:15-11735

BART MASTERS, Warden
FCI McDowell

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Dwane L. Tinsley for submission of proposed findings and recommendation. Magistrate Judge Tinsley submitted his proposed findings and recommendation on February 29, 2016. In that Proposed Findings and Recommendation, the magistrate judge recommended that this court grant in part and deny in part plaintiff's motion to take judicial notice under Fed. R. Civ. P. 201, deny plaintiff's motion to expedite disposition and motions for summary judgment, deny plaintiff's application for Writ of Habeas Corpus, and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Tinsley's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

The parties failed to file any objections to the magistrate judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Tinsley, the court adopts the findings and recommendations contained therein. The court hereby **GRANTS** in part and **DENIES** in part plaintiff's motion to take judicial notice under Fed. R. Civ. P. 201 (Doc. No. 10); **DENIES** plaintiff's motion to expedite disposition and motions for summary judgment (Docs. No. 4 and 9); **DENIES** plaintiff's application for Writ of Habeas Corpus, and **DISMISSES** this matter from the court's docket.

Additionally, the court has considered whether to grant a certificate of appealability. See 28 U.S.C. § 2253(c). A certificate will not be granted unless there is "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court **DENIES** a certificate of appealability.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 21st day of March, 2016.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge